

Docket No: PAPIERNIK-3
Serial No: 10/811,073

REMARKS

The last Office Action of March 30, 2005, has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-8 are pending in the application. Claim 1 has been amended. No claims have been canceled. No amendment to the specification has been made. No fee is due.

Claims 1-5 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 3,785,743 to Sartorio.

Claims 6 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sartorio in view of U.S. Pat. No. 5,287,820 to Stutzacker.

Claims 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Sartorio and Stutzacker, and further in view of U.S. Pat. No. 4,342,397 to Halstrick.

REJECTION UNDER 35 U.S.C. §102(b)

The rejection of claims 1-3, 9 and 10 as being anticipated by Sartorio is hereby traversed and reconsideration of this rejection is hereby respectfully requested in view of the following amendments and remarks.

Claim 1 recites a device for determining the position of a tool of a machine tool or production machine, with a primary crossbeam disposed between and

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attached to two movable support elements and supporting the tool, a rigid secondary crossbeam supported by the two support elements, and a contactless measuring unit connected with the primary crossbeam and constructed to measure a deflection of the primary crossbeam relative to the secondary crossbeam.

Unlike the arrangement of the present invention, the cross beam (6; all reference symbols in parentheses are those of Sartorio) (primary crossbeam in claim 1) in Sartorio's structure does not support the tool (13), which is instead held by two saddles (8, 10) that move along rails (7). The examiner furthermore equates the longitudinal beam (5) with the rigid secondary crossbeam of claim 1, which in Sartorio, however, is not supported between two support elements, as recited in amended claim 1. Instead, Sartorio's cross beam (6) and longitudinal beam (5) form a U-shaped substructure. Sartorio also does not disclose "a contactless measuring unit connected with the primary crossbeam and constructed to measure a deflection of the primary crossbeam relative to the secondary crossbeam," as recited in claim 1.

For the reasons set forth above, it is applicant's contention that Sartorio neither teaches nor suggests the features of the present invention, as recited in claim 1.

As for the rejection of the dependent claims 2-5, these claims depend on claim 1, share its presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

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Withdrawal of the rejection of claims 1-5 under 35 U.S.C. §102(b) and allowance thereof are respectfully requested.

REJECTION UNDER 35 U.S.C. §103(a)

Claims 6-8 which depend from claim 1 and therefore contain all the limitations thereof, patentably distinguishes over the applied prior art in the same manner as claim 1.

In addition, applicant wishes to note as follows: The Stutzacker reference describes laser triangulation, whereas Halstrick discloses the use of sheet metal. However, neither Stutzacker nor Halstrick disclose or suggest the features recited in claim 1 that are missing from the Sartorio patent.

For the reasons set forth above, it is therefore applicant's contention that neither Sartorio, nor Stutzacker nor Halstrick, nor any combination thereof, teach or suggest the features of the present invention, as recited in claims 5-8.

Withdrawal of the rejection of claims 5-8 under 35 U.S.C. §103(a) and allowance of claims 5-8 are thus respectfully requested.

CITED REFERENCES

Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the claims. It is thus felt that no specific discussion thereof is necessary.

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CONCLUSION

In view of the above presented remarks, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

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